

2001 SENATE BILL 435

February 13, 2002 – Introduced by Senators ROBSON, BURKE, COWLES, ROESSLER and WIRCH, cosponsored by Representatives PLOUFF, URBAN, BERCEAU, BOCK, BOYLE, GRONEMUS, HUBER, F. LASEE, MILLER, MUSSER, OTT, POCAN, RYBA, SHILLING and WASSERMAN. Referred to Committee on Environmental Resources.

1 **AN ACT to create** 100.275 of the statutes; **relating to:** the sale or distribution
2 of mercury thermometers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the sale of toys that contain elemental mercury. It also prohibits the sale of certain batteries containing mercury. With certain exceptions, this bill prohibits a manufacturer, wholesaler, or retailer from selling or giving away a mercury thermometer beginning on the first day of the 7th month after the bill is enacted. The exceptions to the prohibition authorize the sale of mercury thermometers used for food research and development or food processing, mercury thermometers used for the calibration of other thermometers or equipment, certain mercury thermometers that are components of agriculture climate control systems or industrial measurement systems, or electronic thermometers with batteries containing mercury, if the sale of those batteries is not otherwise prohibited under current law.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 100.275 of the statutes is created to read:

SENATE BILL 435

1 **100.275 Mercury thermometers. (1)** Except as provided in sub. (2), no
2 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
3 contains mercury.

4 **(2)** Subsection (1) does not apply to any of the following:

5 (a) A mercury thermometer used for food research and development or food
6 processing, including meat, dairy product, and pet food processing.

7 (b) A mercury thermometer used for the calibration of other thermometers,
8 apparatus, or equipment, unless a calibration standard that does not use mercury
9 is approved for that calibration by the National Institute of Standards and
10 Technology.

11 (c) A mercury thermometer that is a component of an agriculture climate
12 control system or industrial measurement system if the system is in use on the
13 effective date of this paragraph [revisor inserts date].

14 (d) A mercury thermometer that is a component of an agriculture climate
15 control system or industrial measurement system if a nonmercury alternative is not
16 available as a component of the system.

17 (e) An electronic thermometer that includes a battery that contains mercury,
18 if a person is not prohibited from selling that battery or offering that battery for sale
19 under s. 100.27.

20 **(3)** Any person who violates this section may be required to forfeit not more
21 than \$200 for each violation. Each sale or gift of a thermometer in violation of this
22 section constitutes a separate violation.

23 **SECTION 2. Effective date.**

